



PATENT  
ATTORNEY DOCKET NO.: FRAC-C1  
CUSTOMER NO: 36038

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:	)	
M. Seul <i>et al.</i>	)	
	)	Group Art Unit: 1735
Serial No. <b>10/658,070</b>	)	
Confirmation No. 4065	)	Examiner: S. Vathyam
Filed: 9/9/2003	)	
For: <b>Analysis and fractionation of particle near</b>	)	
<b>surfaces</b>	)	
	)	
	)	
	)	
	-	

Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

Dear Sir:

**Terminal Disclaimer**

The owner of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of US Patent No. 6,706,163, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed in such patents, or filed prior to the grant of any patent in any of such pending applications. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any such patents (including patents granted on the referenced applications) are commonly owned. This agreement runs with any patent granted on the instant application, and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of US Patent No. 6,706,163, as the term may be shortened by any terminal disclaimer filed prior to the grant of any

patent on the pending applications; in the event that, any such patent:  
expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a  
court of competent jurisdiction, is statutorily disclaimed in whole or terminally  
disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is  
reissued or is in any manner terminated prior to the expiration of its full statutory term as  
shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true  
and that all statements made on information and belief are believed to be true, and further  
that these statements were made with the knowledge that willful false statements and the  
like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title  
18 of the United States Code and that such willful false statements may jeopardize the  
validity of the application or any patent issued thereon.

The undersigned is an attorney or agent of record.

Respectfully Submitted,

By: 

Eric P. Mirabel  
Reg. No. 31,211  
Bioarray Solutions, Ltd.  
35 Technology Drive  
Warren NJ 07059  
(908) 226 8200 (ext 203)